



**STATE OF CONNECTICUT**  
**DEPARTMENT OF MOTOR VEHICLES**

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***Testimony of Department of Motor Vehicles***  
***Commissioner Melody A. Currey***  
***Government Administration and Elections Committee Public Hearing***  
***March 10, 2014***

**H.B. No. 5431 (RAISED) AN ACT REQUIRING THE SUSPENSION OF**  
**ADMINISTRATIVE PENALTIES IMPOSED ON CERTAIN BUSINESS ENTITIES.**

Good afternoon Senator Musto, Representative Jutila, Senator McLachlan, Representative Hwang and other members of the Government Administration and Elections Committee. The Department of Motor Vehicles (DMV) is submitting testimony in opposition to HB 5431 AN ACT REQUIRING THE SUSPENSION OF ADMINISTRATIVE PENALTIES IMPOSED ON CERTAIN BUSINESS ENTITIES.

This bill would require state agencies to suspend a civil penalty assessed against a regulated business for a first-time violation of an agency regulation, provided that the business takes remedial measures to correct the violation within 30 days after the assessment of the penalty.

I am testifying in opposition to this bill for several reasons. First, each state agency already has the discretion to waive or significantly reduce a civil penalty as part of its settlement process. The point is that agencies routinely do this on a case by case basis. This bill would remove the agency's discretion, and require a "one size fits all" approach to violations, regardless of whether they are egregious or simply technical in nature.

Second, it is not always possible to take remedial action to "correct" a violation. If a school bus company neglects to conduct a daily safety check of its school bus, a serious defect could be missed that jeopardizes the safety of school children that board the bus. That cannot be corrected; in this situation, the "correction" would consist of the company's assurance that it would not violate this regulation in the future. It is crucial in these situations that civil penalties exist to serve as a deterrent to having even a single violation that places someone's safety at risk.

This bill applies to "a first-time violator of ***such provision.***" In many instances, one business will violate a number of regulations in a single transaction. It also may be the case that the same business will have been cited on numerous occasions in the past for violations of ***other*** regulations. This provision would require the Department to forgive the civil penalties of a chronic violator because it did not happen to violate the same regulations twice.

Some of the areas that are under the jurisdiction of the Department are subject to federal regulations, such as commercial motor vehicle safety. The state regulations that have been

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adopted in these areas conform to the federal regulations, and this provision may conflict with those regulations.

For the reasons stated, I believe that this provision is unworkable and could undermine safety regulations for which civil penalties serve to enhance compliance.

Thank you for the opportunity to submit testimony opposed to this legislation.